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To: Microsoft ATR
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Subject: comments

I am concerned about the proposed "penalties" on Microsoft. These so-called penalties do not really punish this company for its monopolistic activity over many years. In fact, they make it possible for Microsoft to continue its monopolistic activities in the years to come. This is simply not acceptable.

Microsoft has attempted to maintain a monopoly on the Internet Web Browser market. This is more apparent to a software developer who works within Microsoft operating systems. The technical aspects involved in the operating system itself, specifically, development with the Microsoft Foundation Classes and use of '.Net' technology marries the software developer (happily or unhappily so) to Internet Explorer, and the operating system. The newer versions of Windows have the Internet technologies wrapped in them. This is an obvious attempt to maintain a monopoly on the Internet Browser market. Whether or not they supposedly did it 'on purpose', the result is the same: a monopoly.

Specific training programs such as MCSE (Microsoft Certified Software Engineer) and MCSA (Microsoft Certified Solution Developer) are geared towards maintaining the internet browser market by gearing Microsoft Certified individuals (who must pay for courses and tests, and so become personally invested) to use only Microsoft Products.

One could argue that nobody else has attempted these things on the level that Microsoft Inc. has. Of course not, because they didn't have the chance to because of Microsoft's illegal monopoly and its unfair treatment of would-be competitors. This lack of competition is still hurting us all, at the level of individual users who do not experience freedom of choice in the products that are made available to us, and at the level of businesses who could have made different and better products and considerable profits during these years that Microsoft was an illegal monopoly.

Hardware manufacturers is hiding the price of the operating system on new computer systems. And they are not permitted to sell the hardware separately from the software. This is fundamentally wrong.

The legal resolution to this matter should include the following demands on Microsoft:

(1) Microsoft products - or products of any software manufacturer - must be sold as separate items by computer vendors. Users can then make a CONSCIOUS choice, and other software manufacturers will have a chance to compete. Installation of software selected by the user can remain free. For example, I prefer to be able to buy a linux operating system installed on a new computer. Why should I have to also pay for a Microsoft OS that I do not want or need? And why is the price of the Microsoft OS & Software not published?

(2) All Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

(3) The specifications of Microsoft's past, present and future document and network formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's and other operating systems. This is in addition to opening the Windows Application Program Interface ('Windows API', the set of "hooks" that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

(4) The level Microsoft is certified by the Software Engineering Institute must be made public to the consumer, as well as insight into their development process for Operating Systems. SEI level 3 is required by the United States Government for software companies that supply software to it (or that was coming in 1999). This certification was created to protect the government from software manufacturers that had no software development process. This same certification should protect the average consumer, AND insight into the Software Development Process for creation of their operating systems would give software manufacturers a chance to keep up with Microsoft.

(5) Device Driver information for new operating systems MUST be made public prior to the release of the operating system by a minimum of 6 months. This is VERY important when dealing with future web enabled embedded devices. It also helps the average consumer because they get a better product.

Judgment in this case needs to be fair to the consumer, because future cases will look toward this as a precedent. Please take these steps to ensure that Microsoft is truly penalized from its years of monopoly activities--including harsh financial penalties that will resound throughout the computer industry--and include the recommended steps above to ensure that Microsoft is never able to do this again.

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